

### **REMARKS**

Reconsideration of the application is respectfully requested.

#### **I. Status of the Claims**

Claims 1, 5-7, 9-14 and 18 were previously pending.

Claims 2-4, 8, and 15-17 were previously canceled.

Claims 1, 5-7, 9-14 and 18 are rejected.

Claims 5-7, 11-13, and 18 are canceled without waiver of the subject matter contained therein.

Claims 1 and 14 are amended to directly claim the limitations of canceled claim 5. Claim 14 is further amended to include limitations of Claim 1 pertaining to the surface and backing sheets of the main sheet body and sub-sheet body. No new matter is added.

Claims 19-32 are added. No new matter is added.

Claims 1, 9-10, 14, and 19-32 are pending for examination.

Support for new Claims 19-32 can be found in the clean copy of Applicants' specification that was filed on March 14, 2006 (hereinafter "March 2006 Specification"), which is the last specification that was entered in this case, at, *inter alia*: page 27, second full paragraph, through page 28, second to last paragraph (discussing the material composition of the interlabial pad); page 29, first and second paragraphs (discussing the use of a permeable material including pores); and page 30, fifth full paragraph (discussing bonding). Equivalent disclosures can be found in the clean copy of the specification that was filed July 25, 2008 (hereinafter "July 2008 Specification"), which is the most recently filed specification in this case, at, *inter alia*: page 17, fourth full paragraph, through page 19, first full paragraph (discussing the material composition of the interlabial pad); page 19, second and third full paragraphs (discussing the use of a permeable material including pores); and page 20, sixth full paragraph (discussing bonding).

## **II. Objections to the Specification**

Applicants' attorney, Louis J. DeJudice, spoke with Supervisory Patent Examiner Tanya Zalukaeva via telephone in regard to Applicants' previous efforts to have a specification entered in this case. In a telephone message to Mr. DeJudice on April 28, 2009, Ms. Zalukaeva stated that the objections to the specification that was filed on July 25, 2008 will be held in abeyance until there has been a finding of allowable subject matter in this case. Therefore, in accordance with Ms. Zalukaeva's instructions, Applicants do not submit a revised specification in connection with this Amendment and do not address the Examiner's objections to the July 25, 2008 specification until such time as the prior art rejections are overcome.

## **III. Claim rejections under 35 U.S.C. § 102**

Claims 1, 10 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Application Publication No. WO 99/55272 by Hammons et al. (hereinafter "Hammons").

Amended Claim 1 teaches, *inter alia*, an interlabial pad including first and second finger insertion openings. The first finger insertion opening is formed at one or both of the longitudinal ends of the elongated convex area, permitting the user's finger to be inserted into the hollow part of the elongated convex area. The second finger insertion opening is formed between the backing sheet of the sub-sheet body and the mini sheet piece. The claimed first and second finger insertion openings allow the user to position the interlabial pad comfortably and accurately between the labia regardless of the user's labial depth (see, e.g., July 2008 Specification; p. 23, first full paragraph, through p. 24, second full paragraph).

The Examiner contends that Hammons discloses every element of amended Claim 1. In particular, the Examiner contends that the space between the tube of absorbent material **22** and the base pad **24** in Figure 2 of Hammons discloses the hollow part of the elongated convex area, and that Figures 4-6 of Hammons disclose that at least one of the two longitudinal ends of the elongated convex area form an opening into the hollow part. The Examiner further contends that the "opening" that is allegedly disclosed by Figures 4-6 of Hammons is a first finger insertion opening

through which a finger is insertable into the hollow part under MPEP § 2112.01 because the structure recited in Hammons is allegedly substantially identical to the structure of amended Claim 1.

Contrary to the Examiner's contentions, Hammons does not disclose, teach or suggest the first finger insertion opening taught by amended Claim 1. The Examiner contends that Figures 4-6 of Hammons disclose that at least one of the longitudinal ends of the tube of absorbent material **22** forms an opening into a hollow part between the tube **22** and the base pad **24**, and that this alleged structure corresponds to the first finger insertion opening of Claim 1. However, Figures 4-6 do not depict any openings at the longitudinal ends of the tube of absorbent material **22**. Figure 4 shows "an embodiment in which the tube of absorbent material **22** was joined along its entire length to the base pad **24**," i.e., in which there are no openings between the tube **22** and the base pad **24** (see Hammons, p. 38, first full paragraph).

Figures 5-6 depict similar embodiments to Figure 4, and thus also do not disclose any openings between the tube **22** and the base pad **24**. Furthermore, Hammons discloses that the longitudinal ends of the tube of absorbent material **22** should be bonded to the base pad **24**, either directly or through extensions **158** of the topsheet material **40** (see, e.g., Hammons, Fig. 1 and p. 22, second paragraph). Therefore, Hammons does not disclose, and actually teaches away from, the first finger insertion opening taught by amended Claim 1. Thus, amended Claim 1 is neither anticipated by nor obvious over Hammons, and this claim is in condition for allowance. Withdrawal of the rejection of this claim is respectfully requested.

Dependent Claim 10 depends from independent base Claim 1. Therefore, this claim is in condition for allowance at least due to its dependence on an allowable independent base claim. Withdrawal of the rejection of this claim is respectfully requested.

Independent Claim 14 has been amended to include all of the limitations of amended Claim 1, including the limitations with respect to the first and second finger insertion openings. Therefore, the foregoing arguments with respect to the allowability of Claim 1 over Hammons apply to Claim

14 as well, and this claim is in condition for allowance for at least the foregoing reasons. Withdrawal of the rejection of this claim is respectfully requested.

**IV. Claim rejections under 35 U.S.C. § 102/103**

Claim 9 is rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Hammons.

Dependent Claim 9 depends from independent base Claim 1. Therefore, the foregoing arguments with respect to the allowability of Claim 1 over Hammons apply to Claim 14 as well, and this claim is in condition for allowance for at least the foregoing reasons. Withdrawal of the rejection of this claim is respectfully requested.

**V. Claim rejections under 35 U.S.C. § 103**

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammons. However, due to the cancellation of Claim 18, this rejection is now moot.

**VI. New Claims**

New dependent Claims 19-25 all depend from independent base Claim 1, while new dependent Claims 26-32 all depend from independent base Claim 14. Therefore, all of these claims are in condition for allowance for at least the reasons discussed above with respect to Claims 1 and 14. Allowance of new Claims 19-32 is respectfully requested.

**CONCLUSION**

Each and every point raised in the Non-Final Office Action dated October 31, 2008 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that Claims 1, 9-10, 14, and 19-32 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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